



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

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STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSE)

I, Dennis Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that **"Ordinance No. 29153"**, the original copy of which is attached hereto, was passed for publication of title on the **25th day of September, 2012**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **16th day of October, 2012**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,
NGUYEN, OLIVERIO, PYLE, ROCHA; REED.

NOES: NONE.

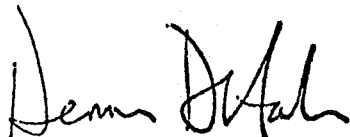
ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **16th day of November, 2012**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **17th day of October, 2012**.

(SEAL) 
DENNIS HAWKINS, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 29153

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING SECTIONS 23.02.290, 23.02.940, AND 23.02.1110, AND ADDING A NEW SECTION 23.02.493, TO CHAPTER 23.02, AMENDING SECTIONS 23.04.020 AND 23.04.120 OF CHAPTER 23.04, ALL TO AMEND SIGNAGE REGULATIONS PERTAINING TO SERVICE STATION CANOPY SIGNAGE, AMENDING SECTION 23.04.035 OF CHAPTER 23.04 TO REVISE THE MAXIMUM ALLOWED SIZE OF A PROGRAMMABLE ELECTRONIC SIGN COMPONENT OF A FREEWAY SIGN, AND MAKING OTHER NONSUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO SAID CHAPTERS 23.02 AND 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE

WHEREAS, pursuant to the requirements of the California Environmental Quality Act, together with State CEQA Guidelines and Title 21 of the San José Municipal Code (collectively, "CEQA"), a Negative Declaration for this project was prepared under File No. 11-099 and an addendum thereto also has been prepared for this project under File No. PP12-083, both of which have not been protested or appealed; and

WHEREAS, the City Council is the decision-making body for this Ordinance; and

WHEREAS, this City Council has considered the Statement of Exemption prior to taking any approval actions on this Ordinance.

SECTION 1. Section 23.02.290 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.02.290 Lightbox; Lightbox Sign.

"Lightbox" means an internally illuminated, cabinet-type fixture at a service station that

is usually located above the gasoline pumps and below a canopy structure that is above the pumps. "Lightbox sign" means a sign located on a lightbox.

SECTION 2. Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

23.02.493 Service Station Canopy; Canopy Sign.

"Service Station Canopy" means a roof, typically consisting of supporting columns, at a service station that covers the fuel pump islands and surrounding fueling area.

"Canopy Sign" means an attached sign located on a Service Station Canopy that is not a roof sign.

SECTION 3. Section 23.02.940 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.02.940 Location of Attached Signs.

- A. Subject to Subsection D Below, attached signs on walls, windows or other structures shall be located a minimum of six inches from the edge of the wall, window or structure to which attached, unless the sign continues around such edge and onto another contiguous surface.
- B. In determining the top edge of a wall, the parapet and cornice, if any, of such wall shall be included and shall be deemed part of the wall.
- C. Signs suspended from the ceiling of an arcade or other roof overhang and oriented parallel to the building wall shall be located a minimum of 2 feet from the building wall and a minimum of 8 feet above grade.
- D. Signs located on a Service Station Canopy shall be exempt from the requirements of Subsection A above.

SECTION 4. Section 23.02.1110 of Chapter 23.02 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.02.1110 Signage at Service Stations.

- A. Service stations have unique requirements for signage. The quantity of signs and types of signs at a service station shall be subject to design approval by the Director, as limited by Subsections B, C and D below.
- B. The total amount of all signage for the parcel shall not exceed:
 - 1. In the Downtown Sign Zone, one square foot for each linear foot of street frontage.
 - 2. In all other areas, the maximum signage allowed on the parcel.
- C. Required signs as described in Section 23.02.1030 shall not reduce the signage allowed by Subsection B.
- D. Unless otherwise expressly prohibited in this Title, lightbox signs shall be allowed.

SECTION 5. Section 23.04.020 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.020 Attached signs.

- A. Quantity.
 - 1. No more than one (1) sign shall be permitted for each separate ground-level occupancy frontage, except that:
 - a. Any ground-level occupancy with more than one (1) occupancy frontage may have one (1) attached sign on each occupancy frontage, not to exceed four (4) frontages; and
 - b. Any ground-level occupancy exceeding twenty thousand (20,000) square feet may have up to three signs on one of its occupancy frontages and

any ground-level occupancy exceeding fifty thousand (50,000) square feet may have up to five (5) signs on one of its occupancy frontages.

- c. Any building with a building footprint greater than one hundred thousand (100,000) square feet which has interior tenant spaces with no occupancy frontages may have up to five (5) additional signs in addition to those set forth in Subsections a and b above.
 - d. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have an unlimited number of attached signs; provided, however, that the attached signs shall otherwise meet all of the other size, height and setback requirements of this Section, including, without limitation, that the aggregate sign area of all attached signs shall not exceed the size limitations set forth in this Section.
 - e. A Large Assembly Space may have up to two (2) programmable electronic signs and those signs may be placed on the same occupancy frontage as set forth in Subsection E below.
2. One (1) sign shall be permitted for each second-story occupancy frontage with direct exterior access to the ground from the second story.
 3. A maximum of four (4) canopy signs shall be permitted on a Service Station Canopy with a maximum of two (2) canopy signs allowed on any side of the Service Station Canopy.

B. Size.

1. The aggregate sign area of all attached signs on a ground-level occupancy frontage shall not exceed one (1) square foot for each linear foot of such occupancy frontage, except for an individual retail tenant with a minimum of twenty thousand (20,000) square feet of contiguous, occupied retail space with at least ten thousand (10,000) square feet of ground-level occupancy frontage, the aggregate allowed sign area may be calculated based upon a combination of the area allowed for the ground-level occupancy frontage plus the second floor occupancy frontage, all to a maximum of three hundred (300) square feet per occupancy frontage.
2. Second- or third-story attached sign(s) shall be limited to one-half the first-floor sign area allowances, except for an individual retail tenant with a minimum of twenty thousand (20,000) square feet of contiguous, occupied

retail space with at least ten thousand (10,000) square feet of ground-level occupancy frontage, the second or third story attached sign(s) shall be limited to one (1) square foot for each linear foot of occupancy frontage on the second floor.

3. The sum of the sign area of the attached signs on any building frontage shall not exceed one square foot for each linear foot of building frontage
4. On a Service Station Canopy, signage shall not exceed the follow square footages:
 - a. One (1) of the canopy signs shall have an aggregate sign area that does not exceed 1 (one) square foot for each linear foot of the length of the side of the canopy on which the sign is placed, and the length of that canopy sign shall not exceed a maximum of forty percent (40 %) of the length of that canopy side. The larger canopy sign shall be one contiguous sign.
 - b. The remaining canopy signs shall not exceed the following square footages:
 - i. For signs approved prior to November 9, 2012, the maximum square footage allowed for each remaining canopy sign shall be six and half (6.5) square feet per sign; and
 - ii. For signs approved on or after November 9, 2012, the maximum square footage allowed for each remaining canopy sign shall be four square feet per sign.
5. The signage allowed for lightbox signs at service stations shall be limited to twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.
6. All signage at service stations shall conform to Section 23.02.1110.

C. Height.

1. Subject to the provisions of Section C.2 herein below, no attached sign shall be displayed higher than the finished floor elevation of the fourth floor of a building.
2. For buildings less than eighty feet (80') in height, no attached sign shall be

displayed higher than the finished floor elevation of the third floor of a building when that building has a skyline sign pursuant to other provisions of this Part.

3. In Neighborhood Business Districts for buildings constructed prior to May 1, 1992, upward extensions of building facades that are sloped from the vertical plane at an angle no greater than sixty (60) degrees shall be treated as extensions of the wall of the building and not as roofs for purposes of signage regulation. A sign placed on such an upward extension may not extend in height to within six inches (6") of the highest point of the upward extension. Only permanent signs may be placed on such upward extensions.
4. An attached programmable electronic sign shall not be displayed higher than thirty (30) feet from grade for Small Assembly Spaces.
5. An attached programmable electronic sign shall not be more than fifty (50) feet above grade for Large Assembly Spaces.
6. The height of Service Station Canopy sign shall not exceed two and a half (2.5) feet in height.

D. Setbacks.

1. Signs facing an abutting residential parcel shall be at least thirty (30) feet from the property line of such residential parcel, unless it includes a programmable electronic sign, in which case the sign shall be at least 150 feet from the property line of such residential parcel.
2. Signs facing an abutting nonresidential parcel shall be at least ten (10) feet from the property line of such nonresidential parcel, unless the abutting nonresidential parcel contains a parking lot or driveway at its nearest point to the sign, in which case, no setback is required.

E. Programmable Electronic Sign.

1. The attached sign allowed for a Small Assembly in accordance with Section 23.04.020.A. above may have a programmable electronic sign not to exceed seventy-five percent (75%) of the allowable sign area. No more than one (1) sign (attached or detached) shall be programmable electronic sign.

2. The attached sign allowed for a Large Assembly Spaces in accordance with Section 23.04.020.A. above may have a programmable electronic sign not to exceed seventy-five percent (75%) of the allowable sign area.
3. Operation of the programmable electronic sign shall conform to the provisions of Section 23.02.905.

F. Additional Allowed Signage.

The following additional signs shall be allowed and shall not reduce otherwise allowed signage.

a. Fin Signs.

i. Fin signs shall be allowed that:

- (a) Do not exceed twenty (20) square feet in area per side;
- (b) Project no more than four (4) feet from the wall to which it is attached;
- (c) Are located at least seven feet but not more than twenty feet above grade; and
- (d) Are not illuminated or are illuminated by external or neon tube lighting.

ii. Each ground-level occupancy frontage may have one such fin sign.

iii. Exception.

- (a) In Neighborhood Business Districts, fin signs may project more than three (3) feet from the wall to which attached.

b. Awning Signs.

- i. A maximum of two (2) awning signs of no greater than ten (10) square feet in area may be placed upon each discrete surface of an awning.
- ii. Awning signs shall be located at least seven feet but not more than twelve feet above grade.

- iii. Awning signs shall not be illuminated.
 - iv. Awning signs shall maintain a minimum three (3)-inch clearance from the edge of the discrete surface of the awning on which the sign is placed.
- c. Window Signs.
- i. Window signs consistent with Section 23.02.1060 of this Title are allowed.
 - ii. Window signs shall not be allowed above the first floor, except as follows:
 - (a) Window signs may be displayed by second-story occupancy frontages with no separate ground-level frontage.
 - (b) In Neighborhood Business Districts, window signs may be displayed on first- and second-story occupancy frontages.
- d. Arcade Signs.
- i. Arcade signs shall be allowed that:
 - (a) Do not exceed ten (10) square feet in area per side; and
 - (b) Are located at least seven (7) feet above grade.
 - ii. Each ground-level occupancy frontage may display one (1) such sign.
- e. Vertical Projecting Signs are allowed when all of the following criteria would be met:
- (a) The sign does not exceed twenty (20) square feet in sign area; and
 - (b) The building to which the sign is attached is at least fifty (50) feet in height; and
 - (c) The sign shall be located at least fifteen (15) feet above grade, and

- (d) The sign shall project no more than six feet, (6') from the building surface to which the sign is attached, and
- (e) The sign may project above the cornice or parapet of a building to which it is attached for a distance no greater than ten (10) feet; and
- (f) Each building occupancy frontage may display no more than one (1) such sign.

f. Public Parking Garage Signs.

- 1. Notwithstanding any other provisions of this Title, one (1) public parking sign per street frontage shall be allowed on any building containing a garage with two hundred (200) or more parking spaces that are open and available for parking to the general public.
- 2. Such Public Parking Garage sign shall meet all of the following criteria:
 - a. Shall be flat-mounted and limited to a maximum of one hundred (100) square feet in sign area; and
 - b. Shall be located at least thirty (30) feet but no higher than seventy (70) feet above grade and shall not project above the cornice or parapet of the building; and

G. Marquees.

- a. The maximum sign area of marquees and the maximum amount of other signage on an occupancy frontage with a marquee shall be subject to design approval and shall not be subject to other size and quantity restrictions in this Part.
- b. Exception. Marquees shall not be allowed in the CO Commercial District or in the IP, LI, and HI Industrial Districts.

H. Skyline Signs; Roof Signs.

- a. General Provisions and Applicability.

(1) Non-residential buildings may have skyline signs on buildings less than

eighty (80) feet in height, and skyline or roof signs on buildings eighty (80) feet or greater in height citywide.

- (2) Unless otherwise specified in Section 23.01.020.H.b, the skyline sign area for non-residential buildings less than eighty (80) feet in height shall not exceed five hundred (500) square feet total per building and any one such skyline sign shall not be larger than half of the ground floor sign allowance up to 250 square feet.
- (3) Unless otherwise specified in Section 23.01.020.H.b, the skyline sign or roof sign area for non-residential buildings greater than eighty (80) feet in height shall not exceed five hundred (500) square feet total per building and any one such skyline sign or roof sign shall not be larger than 250 square feet.
- (4) Non-garage uses on the top floor of parking garages may have skyline signs.
- (5) Illuminated skyline or roof signs located on buildings within one thousand (1,000) feet of a river or creek shall not directly face that river or creek.
- (6) Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.
- (7) Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.
- (8) Skyline signs and roof signs on buildings eighty (80) feet or greater in height above grade shall not reduce otherwise allowable signage for the building.

b. Dimensions.

- (1) In the area bounded by State Highway 87, US 101 and Interstate 880:
 - (a) The total amount of square footage of sign area for all skyline signs

or roof signs on buildings eighty (80) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.

- (b) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

- (2) In the area of the City north of US 101 and west of Interstate Highway 880:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty (80) feet shall be limited in size to an area equal to one half ($1/2$) of the first floor sign area allowances, except that the total amount of square footage of sign area for all skyline signs on buildings: (i) of less than eighty (80) feet in height above grade and (ii) with a building frontage on a public street of less than one hundred fifty (150) linear feet, shall not exceed one (1) square foot for each linear foot of occupancy frontage, notwithstanding the provisions of Section 23.040.020.B. and 23.04.020.H.a.(6).

- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty (80) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.

- (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.

- (3) In the area located in the Edenvale Industrial Redevelopment Area:

- (a) The total amount of square footage of sign area for all skyline signs on buildings less than eighty (80) feet shall be limited in size to an

area equal to one half (1/2) of the first floor sign area allowances.

- (b) The total amount of square footage of sign area for all skyline signs or roof signs on buildings eighty (80) feet or greater in height above grade shall not exceed five hundred (500) square feet per building and any one such skyline sign or roof sign shall not be larger than two hundred fifty (250) square feet.
- (c) The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed five hundred (500) square feet per building and any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- c. Quantity: A total of either two (2) skyline signs or two (2) roof signs are allowed per building; provided, however, that in the Edenvale Industrial Redevelopment Area a combination of skyline and roof signs are allowed not to exceed two (2) signs in the aggregate per building.
- d. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings, subject to the provisions of Subsection 23.04.020.H.c above.

SECTION 6. Section 23.04.030 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.030 Free-standing Signs.

A. Quantity.

- 1. One (1) free-standing sign shall be allowed on a parcel for each street frontage of the parcel which measures one hundred (100) linear feet or more in length.

2. Exceptions.

- (a) Capitol Expressway Auto Mall Signage Area. Parcels located entirely within the Capitol Expressway Auto Mall Signage Area may have one (1) free-standing sign per parcel, plus one (1) additional free-standing sign for each

automobile manufacturer sold on that parcel up to a maximum of two (2) such additional free-standing signs, such that the total number of free-standing signs allowed on the parcel shall not exceed a total maximum of three (3) free-standing signs.

(b) Stevens Creek Boulevard Signage Area. In addition to the signs allowed in Section 23.04.030.A.1, parcels located entirely within the Stevens Creek Boulevard Signage Area may have:

- (1) One (1) additional Free-Standing Sign for each one hundred (100) linear feet of outdoor retail display frontage of that parcel up to a maximum of two (2) additional Free-Standing Signs, provided that the total number of Free-Standing Signs allowed on any parcel shall not exceed a total maximum of three (3) Free-Standing Signs.

(c) Stevens Creek Boulevard Signage Area. Only until March 16, 2015, parcels fronting onto the portion of Stevens Creek Boulevard between Henry Avenue and Richfield Drive (excluding parcels with Kiely Boulevard or Saratoga Avenue frontages), that either have a minimum of three hundred (300) linear feet of street frontage along Stevens Creek Boulevard or are at least five (5) acres in size, may have one (1) freestanding programmable electronic sign that fully conforms to the following conditions and criteria at all times as part of a temporary pilot program to evaluate the safety and land use impacts of such signs:

- (1) The programmable electronic sign is a part of an otherwise permitted freestanding sign and constitutes no more than seventy-five percent (75%) of the area of that sign.
- (2) The maximum area for the programmable electronic sign shall be ninety (90) square feet.
- (3) The maximum height for the programmable electronic sign shall be the lesser of forty (40) feet or the area of the sign divided by 3.75.
- (4) Operation of the programmable electronic sign shall conform to the provisions of Section 23.02.905.
- (5) Programmable electronic signs shall be located at a distance of at least 100 feet from another programmable electronic sign, at least 200 feet from residentially zoned parcels, and no more than 150

feet from Stevens Creek Boulevard.

- (6) Programmable electronic signs shall be located in a manner that the Director determines will not adversely interfere with the visibility or functioning of traffic signals and traffic signage, taking into consideration physical elements of the sign and the surrounding area, such as information analyzing physical obstruction issues, line of sight issues, brightness issues and visual obstruction or impairment issues.
- (7) The programmable electronic signs may display only on-site commercial or non-commercial messages.

(d) Oakridge / Blossom Hill Urban Village Signage Area.

- (1) Only until March 16, 2015, parcels fronting onto Blossom Hill Road, as described below, may have one (1) freestanding programmable electronic sign that fully conforms to all of the conditions and criteria set forth in this subsection (d) at all times as part of a temporary pilot program to evaluate the safety and land use impacts of such signs:
 - i. A parcel fronting onto Blossom Hill Road that has a minimum of 300 linear feet of street frontage along Blossom Hill Road, or
 - ii. A parcel fronting onto Blossom Hill Road that is at least 5 acres in size, or
 - iii. One or more parcels that are part of a contiguous shopping center functioning as a single unit with a minimum of 300 linear feet of street frontage along Blossom Hill Road.
- (2) Only until March 16, 2015, one or more parcels that are part of a contiguous shopping center functioning as a single unit with a minimum of 300 linear feet of street frontage along Blossom Hill Road and a minimum of 300 linear feet of street frontage along Santa Teresa Boulevard, and that are a minimum of 5 acres in size in the aggregate, may have a maximum of one (1) freestanding programmable electronic sign on Blossom Hill Road and one (1) freestanding programmable electronic sign on Santa

Teresa Boulevard, provided that those signs fully conform with all of the conditions and criteria set forth in this subsection (d) at all times as part of a temporary pilot program to evaluate the safety and land use impacts of such signs.

- (3) The programmable electronic sign is a part of an otherwise permitted freestanding sign and constitutes no more than seventy-five percent (75%) of the area of that sign.
- (4) The maximum area for the programmable electronic sign shall be ninety (90) square feet.
- (5) The maximum height for the programmable electronic sign shall be the lesser of forty (40) feet or the area of the sign divided by 3.75.
- (6) Operation of the programmable electronic sign shall conform to the provisions of Section 23.02.905.
- (7) Programmable electronic signs shall be located at a distance of at least 100 feet from another programmable electronic sign on the same street, at least 200 feet from residentially zoned parcels, and no more than 150 feet from Blossom Hill Road.
- (8) Programmable electronic signs shall be located in a manner that the Director determines will not adversely interfere with the visibility or functioning of traffic signals and traffic signage, taking into consideration physical elements of the sign and the surrounding area, such as information analyzing physical obstruction issues, line of sight issues, brightness issues and visual obstruction or impairment issues.
- (9) The programmable electronic sign may display only on-site commercial or non-commercial messages.

(e) Parcels with more than five hundred (500) linear feet of street frontage along one single public right-of-way and zoned CG General Commercial District, IP Industrial Park District, LI Light Industrial District, HI Heavy Industrial District, or Planned Development (PD) Overlay District (allowing for uses similar to the CG General Commercial District, IP Industrial Park District, LI Light Industrial District, or HI Heavy Industrial District) may have one (1) additional free-standing sign for each four hundred (400) linear feet of street

frontage along that particular public right away that is beyond the initial five hundred (500) linear feet of street frontage on that particular public right-of-way, subject to those size limitations set forth in Section 23.04.030 (B).

3. Architectural Sign Cluster. Parcels that are fifteen (15) acres or more in size may have, in lieu of a freestanding sign that would otherwise be allowed under this Title, an Architectural Sign Cluster that conforms to all of the following criteria:
 - (a) The Architectural Sign Cluster does not display more than a total of three (3) separate attached or freestanding signs; and
 - (b) All of the signs are integrated with landscape structures on the site to form a single cohesive design unit; and
 - (c) No sign in the Architectural Sign Cluster is located more than thirty (30) feet from any other sign in the Architectural Sign Cluster; and
 - (d) The total area of all signs within the Architectural Sign Cluster does not exceed the maximum sign area allowed for the freestanding sign that otherwise would have been allowed pursuant to Section 23.04.030.B.1; and
 - (e) No sign Freestanding or Attached Sign is displayed at a height greater than twenty (20) feet; and
 - (f) All Freestanding Signs conform to the setback requirements of Section 23.04.030.C.1, and all landscape structures conform to the setback requirements of Title 20 of this Code.
 - (g) Notwithstanding the requirements of Section 23.02.910.B.1, if the message surface of a sign in an Architectural Sign Cluster is integral to the surface of a wall or landscape feature, the area of the sign shall consist of the area of the message only and not include the area of the wall or other landscape feature that does not display a message.
 - (h) The total number of Architectural Sign Clusters that may be allowed on any one parcel shall not exceed three (3).
4. For corner parcels, no more than one free-standing sign shall be located

within one hundred feet of the corner intersection.

B. Size.

1. The aggregate sign area of all free-standing signs on a parcel shall not exceed a total area equal to one square foot per each five linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to one square foot per each five linear feet of street frontage along that one public right of way.
2. No free-standing sign shall have an area in excess of one hundred twenty (120) square feet.
3. A free-standing sign shall have a maximum sign area of forty (40) square feet when facing streets with residential uses or zoning districts across the street.
4. Exceptions.
 - a. Capitol Expressway Auto Mall Signage Area. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, one allowed (1) free-standing sign on a parcel shall not exceed a maximum sign area of one hundred twenty (120) square feet and any remaining allowed free-standing sign on a parcel shall not exceed a maximum sign area of fifty (50) square feet.
 - b. Stevens Creek Boulevard Signage Area. For parcels located entirely within the Stevens Creek Boulevard Signage Area:
 - (1) The aggregate sign area of all free-standing signs allowed on a parcel pursuant to the provisions of this Section shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage of the parcel, and the aggregate sign area of all free-standing signs along one single public right-of-way shall not exceed a total area equal to three and thirty-five hundredths (3.35) square feet per each five (5) linear feet of street frontage along that one public right of way, except that any freestanding sign allowed for an outdoor retail display frontage shall not exceed a maximum sign area of seventy-five (75) square feet and shall not be included in the calculation of aggregate sign area.

(2) No free-standing sign shall have an area in excess of one hundred and fifty (150) square feet in any event.

- c. Programmable Electronic Signs. For all Assembly Spaces, the sign area of a programmable electronic free-standing signs along one single public right-of-way shall not exceed a total area equal to one (1) square foot per each 2.5 linear feet of street frontage along that one public right of way.

C. Height.

1. The maximum height of a free-standing sign shall be the square footage of the sign area divided by four. However, in no event shall the height of any sign exceed twenty (20) feet.
2. Exceptions:
 - a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the maximum height of one (1) free-standing sign on a parcel shall not exceed twenty-five (25) feet and the maximum height of any other allowed free-standing sign on the parcel shall not exceed nine (9) feet.
 - b. For parcels located entirely within the Stevens Creek Boulevard Signage Area, the maximum height of any one (1) free-standing sign on a parcel shall not exceed the square footage of the sign area divided by three and seventy-five hundredths (3.75) and in no event shall the height of the sign exceed forty (40) feet.
 - c. The height of a free standing sign with a programmable electronic sign component shall not be more than fifty (50) feet above grade for Large Assembly Spaces.

D. Setbacks.

1. The required front setback of a free-standing sign on a parcel shall be a minimum of four (4) feet for any sign that is six (6) feet or less in height, six (6) feet for any sign greater than six (6) feet in height but less than ten (10) feet in height, and ten (10) feet for any sign that is ten (10) feet or greater in height.

2. Exceptions:

- a. For parcels located entirely within the Capitol Expressway Auto Mall Signage Area, the required front setback of any free-standing sign on the parcel shall be a minimum of four (4) feet.
 - b. For Assembly Spaces programmable electronic signs shall be at least one hundred and fifty (150) feet from a residential zoned parcel.
3. Each free-standing sign shall be located at least twenty-five (25) feet from the side and rear property lines of the parcel.

E. Programmable Electronic Signs.

1. The free standing sign allowed for a Small Assembly Space in accordance with Section 23.04.030.A. above may have a programmable electronic sign component not to exceed seventy-five percent (75%) of the allowable sign area. No more than one (1) sign (attached or free-standing) shall include a programmable electronic sign component.
2. The free standing sign allowed for a Large Assembly Space in accordance with Section 23.04.030.A. above may have a programmable electronic sign component not to exceed seventy-five percent (75%) of the allowable sign area. No more than two (2) sign (attached or free-standing) shall include a programmable electronic sign component.
3. Operation of the programmable electronic sign shall conform to the provisions of Section 23.02.905.

F. Other Provisions.

1. Sign Base. All freestanding signs shall be placed on a base of at least eighteen (18) inches in height that is architecturally consistent with the main building of the parcel and the freestanding sign it supports. The base shall be constructed of durable materials to reduce the likelihood of unsightly signs and blighted conditions.
2. Landscaping. All free-standing signs shall be located fully within a landscaped area extending from the supporting structure of the sign to a point on all sides that is at least four feet from vertical lines drawn from the outer edges of the sign. For purposes of this provision, "landscaped area" shall mean an area

containing live plant material including, but not limited to, ground cover, shrubs, grass and trees.

3. Time and Temperature Signs.

- a. Any otherwise allowed free-standing sign may include a time and temperature sign not exceeding fifteen square feet in sign area.
- b. A time and temperature sign not exceeding fifteen square feet in sign area, excluding any frame, may be located on the primary building on a parcel.
- c. Any time and temperature sign meeting the requirements of Subsection a or b above shall not reduce otherwise allowable signage.

G. Multiple Parcels Subject to a Single Development Permit.

Where more than one parcel is subject to a single development permit issued pursuant to Chapter 20.100, the term "parcel" as used in this section shall mean the entire site covered by the single development permit.

SECTION 7. Section 23.04.035 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.035 Freeway Signs.

A. Quantity.

1. One (1) Freeway Sign may be allowed on any Shopping Center Site that is fifteen (15) acres or more in size and located not more than two hundred fifty (250) feet from a Freeway Travel Lane.

B. Size.

1. No Freeway Sign shall have an area in excess of five hundred (500) square feet.

C. Height.

1. No Freeway Sign shall exceed sixty (60) feet in height above surrounding grade.
2. Exception:
 - a. The height of a Freeway Sign may exceed sixty (60) feet above grade if the Director determines that all of the following conditions exist:
 - (1) The elevation of existing grade immediately adjacent to the Freeway Sign is more than ten (10) feet below the elevation of a Freeway Travel Lane located no greater than five hundred (500) feet from the Freeway Sign; and
 - (2) The difference in grade pursuant to Section 23.04.040.C.2 cannot be resolved by moving the sign and that difference in grade obscures visibility of the sign from the Freeway; and
 - (3) The height of the Freeway Sign above surrounding grade does not exceed one hundred (100) feet; and
 - (4) The height of a Freeway Sign located closer than four hundred (400) feet from any residential dwelling unit does not exceed eighty (80) feet in height above grade; and
 - (5) The Freeway Sign conforms to all other provisions of this Title.

D. Location.

1. A Freeway Sign shall be located as close as possible to the nearest Freeway Travel Lane.
2. A Freeway Sign that includes a Programmable Electronic Sign shall be located no closer than one hundred fifty (150) feet from any residential dwelling unit.

E. Other Provisions.

1. A Freeway Sign may include a Programmable Electronic Sign that does not exceed seventy-five (75) percent of the total sign area and is integrated with the total sign to form a cohesive design unit. In no case shall a Programmable Electronic Sign exceed three hundred and seventy five (375)

square feet in area.

2. The illuminated face of any Freeway Sign shall be oriented towards the freeway and shall be oriented away from nearby residential dwelling units to the maximum extent feasible.
3. Any Programmable Electronic Sign shall conform to the requirements of Section 23.02.905.
4. Notwithstanding the provisions of Section 23.02.1300.C, a Freeway Sign shall require approval of a development permit.
5. Notwithstanding the provisions of Section 23.02.1010.A.9, a Freeway Sign may face and be visible from a Freeway.

SECTION 8. Section 23.04.120 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.120 Types of Signs.

A. Any Combination of Signs.

1. Signage allowed by Section 23.04.110 may consist of any combination of allowed free-standing signs, flat-mounted signs, projecting signs, awning signs, banners, inflatable or balloon signs, arcade signs, programmable electronic signs for Assembly Spaces, skyline signs and roof signs. Segmented signs are allowed.
2. Each occupancy frontage may also display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.

B. Free-Standing Signs.

1. Except as provided in this Subsection, free-standing signs shall not exceed eight feet (8) in height above grade.
2. Free-standing signs that are less than six feet wide may be up to twenty-five (25) feet in height above grade.

3. The height of construction signs shall be as set forth in Section 23.04.610B.6.
4. Free-standing roof signs in accordance with Subsection G below and free-standing programmable electronic signs in accordance with Subsection J below shall not be subject to the foregoing height restrictions.

C. Flat-Mounted Signs.

1. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than thirty (30) feet above grade, except as otherwise specifically allowed in this Section and in Section 23.04.120.J.4 for Assembly Spaces.
2. Flat-mounted signs on buildings located within two hundred (200) feet of the travel lane of a freeway may be located at a height of up to sixty (60) feet above grade. Such signs may orient towards a freeway regardless of whether there is an intervening street.
3. Flat-mounted signs (except for permitted skyline signs, flat roof-top signs and banner signs) shall be displayed no higher than eighty (80) feet above grade when the building meets all of the following criteria:
 - a. The building is eighty (80) feet or greater in height above grade; and
 - b. The building has a building footprint of one hundred fifty thousand (150,000) square feet or greater.
4. Flat-mounted signs shall not project more than two (2) inches from the face of the building, except for:
 - a. Flat-mounted signs consisting of individual letters or letters attached to raceways; or
 - b. Flat roof-top signs that may project no more than sixty (60) inches from the face of the roof.

D. Vertical Projecting Signs, Fin Signs and Arcade Signs.

1. Vertical Projecting Signs:

- a. Shall be located at least twenty (20) feet but no higher than seventy (70) feet above grade, except that any Vertical Projecting Sign with a total area that is one hundred (100) square feet or less shall be located fifteen (15) or more feet above grade, and
- b. Shall project no more than five feet six inches, (5'6") from the building surface to which the sign is attached, and
- c. May project above the cornice or parapet of a building a distance no greater than ten (10) feet.

2. Fin Signs:

- a. Shall be located at least eight (8) feet but no higher than thirty (30) feet above grade, except that in the San Pedro Square Signage Area a fin sign on a single-story building may be located no higher than forty (40) feet above grade; and
- b. Shall project no more than seven feet six inches (7'6") from the building surface to which the sign is attached.
- c. May project above the cornice or parapet of a building a distance no greater than the vertical dimension of the sign divided by four (4), except that a Fin Sign located in the San Pedro Square Signage Area on a single-story building may project above the cornice or parapet a distance greater than the vertical dimension of the sign divided by four (4).

3. Arcade Signs:

- a. Shall be located at least eight (8) feet above grade.

E. Awning Signs; Porte-Cochere Signs.

1. Awning signs shall be located no higher than thirty (30) feet above grade.
2. Signage on awnings shall be limited to twenty-five (25) percent of the exterior surface area of the awning.
3. Signage on porte-cocheres shall be allowed only on vertical surfaces of the porte-cochere and shall be limited to twenty-five (25) percent of the exterior surface area of the vertical surfaces of the porte-cochere.

F. Banner Signs.

1. Free-standing banners shall comply with the provisions of Section 23.04.120.B above.
2. Projecting banners shall comply with the provisions of Section 23.04.120.D above.
3. Flat-mounted banners:
 - a. Shall not exceed twenty (20) feet in width; and
 - b. Shall be located no higher than fifty (50) feet above grade, provided that banners located higher than thirty (30) feet above grade shall be mounted within building recesses or portals.
4. Notwithstanding any provision of this Chapter to the contrary, buildings with a footprint of seventy-five thousand (75,000) square feet or greater may erect banners only in compliance with all of the following criteria:
 - a. A total maximum of five banners shall be allowed at any time;
 - b. One banner may be up to a maximum of one thousand two hundred (1,200) square feet in total area and any and all remaining banners may be up to a maximum of six hundred (600) square feet in total area; and
 - c. All banners shall be placed no higher than eighty (80) feet above finished grade; and
 - d. All banners shall contain and display noncommercial messages only.

G. Skyline Signs; Roof signs.

1. Applicability
 - a. Buildings one hundred forty (140) feet or greater in height above grade may have either skyline signs or roof signs; and
 - b. Buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade may have skyline signs; and

- c. Non-garage uses on the top floor of parking garages may have skyline signs.
- d. Buildings that are no more than one (1) story in height and located within the San Pedro Square Signage Area may have one (1) roof sign.

2. Dimensions

- a. The total amount of square footage of sign area for all skyline signs or roof signs on buildings two hundred twenty-five (225) feet or greater in height above grade shall not exceed two thousand (2,000) square feet per building. Any one such skyline sign or roof sign shall not be larger than one thousand (1,000) square feet.
- b. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred ninety (190) feet or greater in height above grade and less than two hundred twenty-five (225) feet in height above grade shall not exceed one thousand four hundred (1,400) square feet per building. Any one such skyline sign or roof sign shall not be larger than seven hundred (700) square feet.
- c. The total amount of square footage of sign area for all skyline signs or roof signs on buildings one hundred forty (140) feet or greater in height above grade and less than one hundred ninety (190) feet in height above grade shall not exceed one thousand one hundred (1,100) square feet per building. Any one such skyline sign or roof sign shall not be larger than five hundred fifty (550) square feet.
- d. The total amount of square footage of sign area for all skyline signs on buildings greater than eighty (80) feet and less than one hundred forty (140) feet in height above grade shall not exceed five hundred (500) square feet per building. Any one such skyline sign shall not be larger than two hundred fifty (250) square feet.
- e. The total amount of square footage of sign area for skyline signs for non-garage uses on the top floor of parking garages shall not exceed seven hundred fifty (750) square feet per building. Any one such skyline sign shall not be larger than five hundred (500) square feet.
- f. Notwithstanding the provisions of Section 23.04.110.A.2, the total amount

of square footage of sign area for a roof sign on a building that is no more than one (1) story in height and located in the San Pedro Square Signage Area shall not exceed two and twenty-five hundredths (2.25) square feet for each linear foot of building frontage. Such roof sign shall not extend more than ten (10) feet above the cornice or parapet of a building.

3. Each skyline sign or roof sign shall be designed as an integral part of the building design and placed on a permanent architectural element which has been designed to accommodate it.
 4. There shall not be both a skyline sign and a roof sign on the same building or on connected buildings.
 5. Skyline signs and roof signs may be illuminated with external lighting; halolighting; and internal lighting if only the letters or symbols are illuminated. Such signs shall be illuminated only with continuous lighting except that gradual color changes shall be allowed if there is no perception of flashing lights created.
 6. Skyline signs and roof signs on buildings greater than eighty (80) feet in height above grade shall not reduce otherwise allowable signage for the building or parcel.
 7. Unless otherwise set forth in this Section, a total of two skyline or roof signs are allowed per building.
- H. Window Signs. Window signs consistent with Section 23.02.1060 of this Title shall be allowed on first- and second-story windows.
- I. Marquees.
1. Marquees are allowed for theatres and movie houses and on buildings containing marquees that historically were theatres or movie houses.
 2. A marquee, including any vertical projection, is a single sign and an architectural element. The vertical projection of a marquee may project above the cornice line of a building.
 3. Marquees may be animated signs or have animated sections.
 4. Marquee signage shall not be subject to the size and placement limitations

elsewhere in this Part, but instead, shall be subject to the provisions of Section 23.04.110B.2.

J. Programmable Electronic Signs.

1. For a single building with a footprint of at least one hundred twenty-five thousand (125,000) square feet, a maximum of two (2), attached programmable electronic signs are allowed, subject to the approval of the Director, whose approval shall be issued when the sign or signs meet all of the following criteria:
 - a. The sign(s) shall be located no higher than twelve (12) feet from grade unless the Director finds that a greater height achieves a pedestrian-level orientation; and
 - b. The sign(s) shall not reduce or obscure glazing; and
 - c. Each sign does not exceed a maximum size of eighteen (18) square feet in sign area; and
 - d. No sign is displayed on the exterior of that portion of a building containing residential uses.
2. For a building with one (1) or more single ground-floor occupancy frontages of at least one hundred - (100) linear feet, a maximum of one (1) attached programmable electronic sign is allowed per single ground-floor occupancy frontage, or one (1) attached sign for any ground floor occupancy with a total frontage of at least one hundred fifty (150) feet on two (2) streets, subject to approval of the Director, whose approval shall be issued when the sign meets all of the following criteria:
 - a. The sign shall be mounted to the building and located no higher than twenty-five (25) feet above grade; and
 - b. The sign shall not reduce or obscure glazing; and
 - c. The sign shall not exceed a maximum size of thirty-five (35) square feet in sign area and shall not exceed seventy five percent (75%) of the total sign area; and

- d. The sign shall not be mounted on the exterior of or illuminate that portion of a building façade or wall containing residential living units on the other side.
- e. Operation of the programmable electronic sign shall conform to the provisions of Section 23.02.905.

3. Programmable Electronic Kiosk Signs.

Programmable Electronic Kiosk Signs are allowed subject to the following criteria and conditions:

- a. The total sign area on kiosks shall not exceed eighteen (18) square feet per kiosk face in the aggregate, and no Programmable Electronic Kiosk Sign shall be located higher than eight (8) feet in height above grade.
- b. Programmable Electronic-Kiosk Signs may be animated and/or may be illuminated with continuous external or internal lighting.
- c. Programmable Electronic Kiosk Signs shall not be displayed on kiosks located within two-hundred (200) feet of another kiosk displaying a Programmable Display Kiosk Sign.
- d. A minimum width of unobstructed sidewalk clearance of four (4) feet shall be maintained around a kiosk for pedestrian traffic.
- e. All Programmable Electronic Signs and Programmable Electronic Kiosk Signs shall conform to the requirements of Section 23.02.905 of this Title.

4. Assembly Spaces

- a. An attached or free standing sign allowed for a Small Assembly Space in accordance with Section 23.04.120 may have a programmable electronic sign component not to exceed seventy-five percent (75%) of the allowable sign area. No more than one (1) sign (attached or free-standing) shall include a programmable electronic sign.
1. The maximum height for a free standing programmable electronic sign shall be twenty five (25) feet above grade.

2. The maximum height for an attached programmable electronic sign shall be shall be thirty (30) feet from grade.
 - b. An attached or free standing sign allowed for a Large Assembly Space in accordance with Section 23.04.120 may have a programmable electronic sign component not to exceed seventy-five percent (75%) of the allowable sign area.
 1. The maximum height for a freestanding or attached programmable electronic sign shall be fifty (50) feet from grade.
 - c. Other criteria:
 1. The maximum area for a programmable electronic sign component shall be limited to fifty (50) square feet if the sign is located one hundred (100) feet from a residentially zoned parcel and to two hundred and fifty (250) square feet for signs setback more than one hundred (100) feet from a residentially zoned parcel.
 2. Operation of the programmable electronic sign shall conform to the provisions of Section 23.02.905.
- K. Time and Temperature Signs.
1. Any sign otherwise permitted in this Part may include a time and temperature sign, provided that a time and temperature sign may not be established within three hundred (300) feet of another time and temperature sign.
 2. Each time and temperature sign shall be limited to fifteen (15) square feet in sign area, excluding any frame.
 3. Time and temperature signs may not be located higher than thirty (30) feet above grade.
- L. Lightbox Signs for Service Stations.
- a. Lightbox signs at service stations shall not exceed twenty (20) percent of the surface area of the lightbox up to a maximum of eight square feet.
 - b. Signage at Service Stations shall conform to Section 23.02.1110

M. Architectural Signs.

1. The total amount of Architectural Signs allowed on any one building shall not exceed a total maximum area of two hundred (200) square feet per building, in the aggregate.
2. Each Architectural Sign shall be limited in area to a maximum of thirty-two (32) square feet, except that one Architectural Sign of up to one hundred (100) square feet in area may be located on one building frontage, all subject to the total maximum area allowed under Subsection 23.04.120.N.1 above.
3. Architectural Signs may be allowed on the exterior of that portion of a building containing residential uses.

N. Public Parking Garage Signs.

1. Notwithstanding any other provisions of this Code, one (1) Public Parking Garage sign per street frontage shall be allowed on any building containing a garage with two hundred (200) or more parking spaces that are open and available for parking to the general public.
2. Such sign:
 - a. Shall be flat-mounted.
 - b. Shall be a maximum of one hundred (100) square feet in sign area.
 - c. Shall be located at least thirty (30) feet but no higher than seventy (70) feet above grade and shall not project above the cornice or parapet of the building.
3. Such sign shall not reduce otherwise allowable signage for the parcel or building.

O. Freeway or Highway Off-Ramp Signs.

1. Subject to the provisions of Section 23.02.1180, a building greater than eighty (80) feet in height above grade located on a parcel of real property that is directly adjacent to a freeway off-ramp or highway off-ramp may have only the following skyline or roof signs:

- a. A maximum of two skyline or roof signs that conform to all of the applicable requirements set forth in Section 23.04.120.G; or
- b. A maximum of one skyline or roof sign that conforms to all of the applicable requirements set forth in Section 23.04.120.G and one flat-mounted sign that meets all of the following criteria:
 - (1) The size of the sign shall not exceed a maximum of one hundred (100) square feet in sign area;
 - (2) The sign shall be mounted to the building with an orientation that is perpendicular to, and is not directly facing, the centerline of the freeway or highway off-ramp; and
 - (3) The sign shall not be visible from the main freeway or highway to which the off ramp is attached.

P. Flat Roof-Top Signs.

- 1. Buildings with a footprint of one hundred fifty thousand (150,000) square feet or greater may install a maximum of two flat roof-top signs that meet all of the following criteria:
 - a. Each flat roof-top shall not exceed a maximum of sixteen thousand (16,000) square feet in sign area, and the total sign area of two flat roof-top signs shall not exceed a maximum of thirty-two thousand (32,000) square feet; and
 - b. A flat roof-top sign may be externally or internally illuminated with continuous lighting between the hours of 7:00 a.m. and 12:00 a.m., but shall not be illuminated by any means after 12:00 a.m. and before 7:00 a.m.; and
 - c. Any illumination of a flat roof-top sign shall fully conform with the City's lighting policies, unless an exception is granted therefore or applicable thereto; and
 - d. Any illumination of a flat roof-top sign shall not produce light that is visible with the naked eye from public areas located within one hundred (100) feet of the building on which the sign is installed.

Q. Inflatable or Balloon Signs.

1. Inflatable or balloon signs may be allowed on sites and in a manner meeting all of the following criteria:
 - a. The size of the parcel on which the inflatable or balloon sign would be located shall be a minimum of seven (7) acres; and
 - b. A maximum of one (1) inflatable or balloon sign may be installed on a building on each such parcel; and
 - c. The sign must be safely and securely mounted to the roof of a building with a minimum floor area of fifty thousand (50,000) square feet and a maximum height of fifty (50) feet.
2. The inflatable or balloon sign allowed under this Section must meet the additional following criteria:
 - a. The inflatable or balloon sign shall be no greater than three thousand six hundred (3,600) cubic feet in size; and
 - b. The inflatable or balloon sign shall extend no higher than the lesser of the following heights:
 - (1) Thirty (30) feet above the building parapet or building roof surface if there is no parapet; or
 - (2) The height set forth in a no hazard determination by the Federal Aviation Administration; and
 - c. The inflatable or balloon sign shall extend no more than ten (10) feet below the building parapet or building roof surface if there is no parapet.

R. Projected Light Signs.

1. A building with a footprint of 100,000 square feet or greater may allow one (1) projected light sign on the building per calendar year that meets all of the following criteria:
 - a. A Projected Light Sign shall be no greater than 12,000 square feet in

area; and

- b. A Projected Light Sign shall be located no higher than sixty (60) feet above grade; and
 - c. A Projected Light Sign shall not be of an illumination intensity or character that creates a safety hazard or undue disturbance for vehicles, pedestrian or occupants in the area and shall conform to all applicable Federal Aviation Administration requirements; and
 - d. A Projected Light Sign and associated projection equipment may be allowed only during such time period as specified in a permit issued by the Director finding that all the criteria specified in this Section are met for a proposed Projected Light Sign, and which time period in all instances shall not exceed a maximum period of sixty (60) days per calendar year; and
- 2. A permit application for a Projected Light Sign shall be signed by all private property owners upon whose real property a Projected Light Sign is projected, upon whose property associated projection equipment is located, and upon whose property the associated projected light directly traverses.
 - 3. A Projected Light Sign may be animated.
 - 4. A Projected Light Sign shall not reduce otherwise allowed signage area for the building upon which it is projected nor for any other affected property.

SECTION 9. Section 23.04.154 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.154 Amount of Signage.

- A. Except as specifically allowed otherwise in this Part, signage for non-residential uses and for any Vertically Mixed Use Building shall be based on commercial occupancy frontage.
- B. Signage for Vertically Mixed Use Buildings shall be allowed on both the Mixed Use Commercial Façades and the Mixed Use Residential Facades, except as limited in this Part.

- C. Except as provided in Subsections 23.04.154.D and E below:
1. The aggregate sign area of all signs allowed for a commercial occupancy frontage shall not exceed two and five-tenths (2.5) square feet for each linear foot of occupancy frontage.
 2. The maximum sign area for any one sign shall not exceed one and five-tenths (1.5) square feet for each linear foot of commercial occupancy frontage where the sign is to be displayed.
 3. Signs may be displayed for more than one occupancy frontage, subject to the maximum amount of signage allowed for each occupancy frontage.
- D. Instead of the signage amount permitted by Subsection 23.04.154.C above, an applicant, at applicant's option, may select any of the following methods, as applicable, for determining maximum amount of signage:
1. Maximum signage for a parcel may be based on street frontage, instead of occupancy frontage. In such case, the total amount of signage on each street frontage shall not exceed two and five tenths (2.5) square feet for each linear foot of street frontage.
 2. For an occupancy frontage including a marquee, maximum sign area of the marquee, maximum amount of other signage on the occupancy frontage and placement of signs may be determined by the Director subject to design approval.
- E. The amount of allowable signage permitted under Subsection 23.04.154.C above shall not be reduced by the following signage:
1. Signage for vending carts expressly allowed under Section 23.04.156.L; and
 2. Signage for retail pavilions expressly allowed under Section 23.04.156.M; and
 3. Architectural signs expressly allowed under Section 23.04.156.K; and
 4. Programmable electronic signs and programmable display kiosk signs expressly allowed under Section 23.04.156.N.

SECTION 10. Section 23.04.156 of Chapter 23.04 of Title 23 of the San José Municipal Code is hereby amended to read in its entirety as follows:

23.04.156 Types of Signs.

A. Any Combination of Signs.

1. Signage allowed by Section 23.04.154 may consist of any combination of allowed free-standing signs, flat-mounted signs, projecting signs, awning signs, and banners. Segmented signs are allowed.
2. Each occupancy frontage may also display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.
3. Small Assembly Spaces may have one (1) attached or free-standing programmable electronic sign as part of the allowed signage pursuant to the provisions of Subsection 23.04.156 J.2 below.

B. Free-Standing Signs.

1. Except as provided in this Subsection, free-standing signs shall not exceed eight feet in height above grade.
2. Free-standing signs that are less than six feet wide may be up to twenty-five (25) feet in height above grade.
3. The height of construction signs shall be as set forth in Section 23.04.610B.6.

C. Flat-Mounted Signs.

1. Flat-mounted signs (except for Architectural Signs allowed under Section 23.04.156.K) shall be displayed no higher than the finished floor elevation of the fourth floor, except as otherwise specifically allowed in this Section, and in any event shall be displayed at a height no greater than forty-five (45) feet.
2. Flat-mounted signs shall not project more than two (2) inches from the face of the building, except for flat-mounted signs consisting of individual letters or letters attached to raceways.

3. Flat-mounted signs shall not be displayed on Mixed Use Residential Facades.

D. Projecting Vertical Signs.

1. Projecting vertical signs located adjacent to a street of less than one hundred-twenty (120) feet in width shall be located at least twenty (20) feet above grade but may project no higher than sixty (60) feet above grade. Projecting vertical signs located adjacent to a street of one hundred-twenty (120) feet or greater in width shall be located at least fourteen (14) feet above grade but may project no higher than seventy (70) feet above grade.
2. Projecting vertical signs located adjacent to a street of less than one hundred-twenty (120) feet in width shall project out from a building face no more than five feet six inches (5'6"). Projecting vertical signs located adjacent to a street of one hundred-twenty (120) feet or greater in width shall project out from a building face no more than ten (10) feet.
3. Projecting vertical signs located adjacent to a street of less than one hundred-twenty (120) feet in width shall not project above the cornice or parapet of a building. Projecting vertical signs located adjacent to a street of one hundred-twenty (120) feet or greater in width may project a maximum of ten feet (10') above the cornice or parapet of a building.
4. Projecting vertical signs shall be permitted on Mixed Use Residential Facades.

E. Fin Signs and Arcade Signs.

Fin Signs:

1. Fin Signs shall be located no higher than the height of the finished floor elevation of the fourth floor of the building; and
2. Shall project no more than one-half the width of the sidewalk over which the sign projects or seven feet six inches (7'6"), whichever is less.
3. Fin signs shall be permitted on Mixed Use Residential Facades.

Arcade Signs:

1. Arcade signs shall be located at least seven (7) feet above grade; and

2. Do not exceed ten (10) square feet in area per side.

F. Awning Signs; Porte-Cochere Signs.

1. Awning signs shall be located no higher than the finished floor elevation of the fourth floor above grade; provided, however, that awning signs on Mixed Use Residential Facades shall be located no higher than the finished floor elevation of the second residential floor above grade.
2. Signage on awnings shall be limited to thirty-five percent (35%) of the exterior surface area of the awning.
3. Signage on porte-cocheres shall be allowed only on vertical surfaces of the porte-cochere and shall be limited to thirty-five percent (35%) of the exterior surface area of the vertical surfaces of the porte-cochere.
4. Signage on awnings and porte-cocheres shall be permitted on Mixed Use Residential Facades, subject to the limitations in Subsection 23.04.156.F.1 above.

G. Banner Signs.

1. Free-standing banners shall comply with the provisions of Section 23.04.156.B above.
2. Projecting banners shall comply with the provisions of Section 23.04.156.D above.
3. Flat-mounted banners are not allowed.

H. Window Signs.

Window signs consistent with Section 23.02.1060 of this Title shall be allowed on first- and second-story windows.

I. Marquees.

1. Marquees are allowed for theatres and movie houses and on buildings containing marquees that historically were theatres or movie houses.

2. A marquee, including any vertical projection, is a single sign and an architectural element. The vertical projection of a marquee may project above the cornice line of a building.
3. Marquees may be animated signs or have animated sections.
4. Marquee signage shall not be subject to the size and placement limitations elsewhere in this Part, but instead shall be subject to the provisions of Section 23.04.154.C.2 above.

J. Programmable Electronic Signs.

1. For a single building with a footprint of at least one hundred twenty-five thousand square feet, a maximum of two (2), attached programmable electronic signs shall be allowed, subject to the approval of the Director, whose approval shall be issued when the sign or signs meet all of the following criteria:
 - a. The sign(s) shall be located no higher than twelve (12) feet from grade unless the Director finds that a greater height achieves a pedestrian-level orientation; and
 - b. The sign(s) shall not reduce or obscure glazing; and
 - c. Each sign does not exceed a maximum size of eighteen (18) square feet in sign area; and
 - d. No sign is displayed on a Mixed Use Residential Façade.
2. An attached or free standing sign allowed for a Small Assembly Space in accordance with Section 23.04.154 above may have a programmable electronic sign component not to exceed seventy-five percent (75%) of the allowable sign area. No more than one (1) sign (attached or free-standing) shall include a programmable electronic sign component.
 1. The maximum area for a programmable electronic sign component shall be limited to fifty (50) square feet if the sign is one hundred (100) feet or less from a residentially zoned parcel and limited to a maximum of one hundred (100) square feet for a sign setback more than one hundred (100) feet from a residentially zoned parcel.

2. The maximum height for the free standing sign with a programmable electronic sign component shall be twenty five (25) feet, and the maximum height for an attached sign with a programmable electronic sign component shall be thirty (30) feet above grade.
3. Operation of the programmable electronic sign shall conform to the provisions of Section 23.02.905.

K. Architectural Signs.

1. The total amount of Architectural Signs allowed on any one building shall not exceed a total maximum area of two hundred (200) square feet per building, in the aggregate.
2. Each Architectural Sign shall be limited in area to a maximum of thirty-two (32) square feet, except that one Architectural Sign of up to one hundred (100) square feet in area may be located on one building frontage, all subject to the total maximum area allowed under Subsection 23.04.156.N.1 below.
3. Architectural Signs shall be allowed on Mixed Use Residential Facades.

L. Vending Cart Signs.

The total amount of Vending Cart Signs allowed on any one vending cart shall be limited by a maximum of sixteen (16) square feet of total signage allowed in the aggregate per vending cart and a maximum area of four (4) square feet per Vending Cart Sign.

M. Retail Pavilion Signs.

1. The aggregate sign area of all Retail Pavilion Signs allowed on an occupancy frontage shall not exceed one and five-tenths (1.5) square feet for each linear foot of occupancy frontage except as provided in this Subsection.
2. The maximum sign area for any one Retail Pavilion Sign shall not exceed one (1.0) square foot for each linear foot of occupancy frontage where the Retail Pavilion Sign is displayed.
3. Retail Pavilion Signs may be displayed for more than one occupancy frontage, subject to the maximum amount of signage allowed for each occupancy frontage.

4. Retail Pavilion signage allowed by this Subsection M.1 may consist of any combination of allowed flat-mounted signs, projecting signs, and awning signs.
5. Each occupancy frontage also may display window signs, temporary signs, safety or directional signs, and any other signs expressly authorized by this Code.
6. No Retail Pavilion Sign shall extend above the retail pavilion building parapet or eave.
7. Instead of the signage permitted by Subsection M.1 above, an applicant, at applicant's option, may for one occupancy frontage per pavilion, substitute a programmable display sign that conforms with all of the following criteria:
 - a. The size of the programmable electronic sign shall not exceed a maximum area of eighteen (18) square feet.
 - b. The programmable electronic sign shall be flat mounted to the wall of the retail pavilion and shall not extend above the retail pavilion building parapet or eave.

N. Programmable Display Kiosk Signs.

Programmable Display Kiosk Signs are allowed subject to the following criteria and conditions:

1. The total sign area on kiosks shall not exceed eighteen (18) square feet per kiosk face in the aggregate, and no Programmable Display Kiosk Sign shall be located higher than eight (8) feet in height above grade.
2. Programmable Display Kiosk Signs may be animated and/or may be illuminated with continuous external or internal lighting.
3. Programmable Display Kiosk Signs shall not be displayed on kiosks located within forty (40) feet of another kiosk displaying a Programmable Display Kiosk Sign.
4. A minimum width of unobstructed sidewalk clearance of four (4) feet shall be maintained around a kiosk for pedestrian traffic.

5. The maximum number of kiosks on which a Programmable Display Kiosk Sign may be displayed shall be the number equivalent to one (1) kiosk per every five (5) acres of development within the Urban Mixed Use Development Area Sign Zone.

PASSED FOR PUBLICATION OF TITLE this 25th day of September, 2012, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE, ROCHA;
REED.
NOES: NONE.

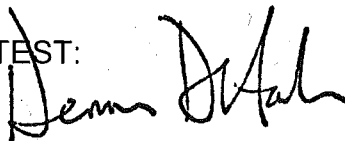
ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



DENNIS D. HAWKINS, CMC
City Clerk

SAN JOSE POST-RECORD

95 S. Market St., Ste. 535, SAN JOSE, CA 95113
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SUZANNE GUZZETTA
SAN JOSE CITY CLERK
200 E. SANTA CLARA ST.
SAN JOSE, CA - 95113

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

Ad Description:
ORDINANCE #29153

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

10/05/2012

Executed on: 10/05/2012
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.


Signature


RECEIVED
San Jose City Clerk

This space for filing stamp only

2012 OCT 10 PM 2:47

3"

SJ#:2387738


CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY
ORDINANCE NO. 29153

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING TITLE 23 OF THE SAN JOSE MUNICIPAL CODE BY AMENDING SECTIONS 23.02.290, 23.02.940, AND 23.02.1110, AND ADDING A NEW SECTION 23.02.493, TO CHAPTER 23.02, AMENDING SECTIONS 23.04.020 AND 23.04.120 OF CHAPTER 23.04, ALL TO AMEND SIGNAGE REGULATIONS PERTAINING TO SERVICE STATION CANOPY SIGNAGE, AMENDING SECTION 23.04.035 OF CHAPTER 23.04 TO REVISE THE MAXIMUM ALLOWED SIZE OF A PROGRAMMABLE ELECTRONIC SIGN COMPONENT OF A FREEWAY SIGN, AND MAKING OTHER NONSUBSTANTIVE, MINISTERIAL, TECHNICAL, OR TYPOGRAPHICAL CHANGES TO SAID CHAPTERS 23.02 AND 23.04 OF TITLE 23 OF THE SAN JOSE MUNICIPAL CODE PASSED FOR PUBLICATION of title this 25th day of September, 2012, by the following vote:
AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED, ROCHA.
NOES: NONE.
ABSENT: NONE.
DISQUALIFIED: NONE.

CHUCK REED
Mayor
ATTEST:
DENNIS HAWKINS, CMC
City Clerk
10/5/12

SJ-2387738#



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